

**Testimony Submitted by
Attorney Matthew T. Stillman, J.D., LL.M.,
Board Member, Director of Public Policy, and President-Elect
of the Connecticut Chapter of the National Academy of Elder Law
Attorneys**

Wednesday, February 24, 2016

My name is Matthew Stillman.

I am an Elder Law attorney, practicing in Connecticut for over fifteen (15) years. I also am the Director of Public Policy for the National Academy of Elder Law Attorneys, CT Chapter (CTNAELA), an organization of 150 Elder Law attorneys, representing tens of thousands of clients across the State of Connecticut.

Both my organization and I support Raised Bill #143, which mandates that the State of Connecticut Administrative agencies adhere and comply with Probate Court orders.

Probate Court hearings regularly addresses issues regarding children, developmentally disabled adults, Trusts, Estates, and other matter. Often, State agencies have a direct or related interest in the matters addressed therein. As a result, State agencies are noticed in the same manner as other parties, given ample opportunity to express their opinion. The Probate Court judge weighs the factors, and makes a determination for all involved. If displeased with the Probate Court ruling, all parties have an opportunity to appeal.

Unfortunately, over the past few years, State agencies have taken a markedly different approach to these hearings. A pattern has developed whereby State agencies, either after an appearance, or after avoiding one altogether, have wholly disregarded Probate Court rulings and chose to implement their own rulings and/or policy. This action has caused grave confusion among Probate Courts and the participants who appear before

My client's conservator adhered to the Court Order, in defiance of the State agency, which ended up costing an additional \$12,000 of proceeds from the sale. Furthermore, the Court appointed conservator incurred considerable additional legal expense and risk, by engaging Counsel to interpret the conflicting directions.

The State was to be made whole regardless which direction the Conservator followed; there was no cost to the State either way.

The confusion and lack of clear direction evident in my case has been repeated in Probate Courts across Connecticut; it must be resolved.

No prejudice whatsoever is imposed against State agencies by Raised Bill #143. State agencies are ensured the same protections as all other parties appearing before Probate Courts. State agencies must be noticed accordingly, and if unhappy with a decision, the right to appeal is preserved.

The current bill is budget neutral, costing absolutely no money to the administration and/or state coffers. This bill simply re-establishes a proper procedure for State Agencies to follow when participating in Probate Court hearings.

Raised Bill #143 has the overwhelming support of members of my organization and other attorneys across the State. I understand Paul J. Knerim, the chief Probate Court administrator has submitted written testimony in support. Sen. Kevin Kelly, an Elder Law attorney and one of your counterparts, has been a constant and instrumental support in promoting this Bill.

I request that you support Raised Bill #143, and urge its passage.